

REMARKS

Reconsideration of the above-identified patent application is respectfully requested. Claim 11 has been amended herein, and claims 18, 20 and 22 have been canceled herein.

Claims 1-2, 4, 6, 9, 11-16 and 19-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,829,254 to Hayashi et al. Claims 1-22 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,401,457 to Wang et al. Claims 1-2, 4-8 and 11-18 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,539,714 to Wang et al. Claims 1-8 and 11-18 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,637,205 to Ahmad et al.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference, and the identical invention must be shown in as complete detail as is contained in the claim. (MPEP § 2131). Contrary to the Examiner's statements that all elements of applicants' claims are disclosed in the cited references as summarized above, this is simply not the case. Rather, each element of applicants' claims is not disclosed in any of the cited references, and the 35 U.S.C. §102(b) and §102(e) rejections of applicants' claims are therefore unsupported by the cited references and should be withdrawn.

Regarding the §102(b) rejection of claims 1-2, 4, 6, 9, 11-16 and 19-20 as being anticipated by Hayashi et al., Hayashi et al. fails to show or disclose every element of applicants' independent claims 1 and 12. Since claims 2, 4, 6, 9 and 11 depend from

claim 1, and claims 13-16, 19 and 20 depend from claim 12, and thereby add further limitations to applicants' independent claims 1 and 12 respectively, the §102(b) rejection of these dependent claims are unsupported by Hayashi et al. for at least the same reasons as given below for the independent claims 1 and 12.

Hayashi et al. discloses a system for controlling turbocharger speed in an aircraft such that the turbocharger is constantly operated near the maximum allowable turbocharger speed under all operating conditions (see, for example, abstract, col. 8, lines 7-11 and col. 12, lines 43-55). In particular, the Hayashi et al. system determines a target compressor outlet-to-compressor inlet pressure ratio, that is the pressure ratio for maintaining the turbocharger speed at a constant speed substantially equal to the maximum turbocharger speed, and then controls a turbocharger wastegate in a manner that maintains the target pressure ratio to thereby *maintain* the turbocharger speed near the maximum allowable turbocharger speed *under all operating conditions* (emphasis added - see, for example, col. 14, lines 29-38). Applicants' claims 1 and 12, in contrast, require controlling the control mechanism in a manner that *limits* the compressor outlet pressure to the maximum compressor outlet pressure to thereby *limit* rotational speed of the turbocharger to the maximum turbocharger speed value (emphasis added). Applicants' claims are thus directed to imposing an upper limit to turbocharger speed, whereas Hayashi et al. teaches maintaining turbocharger speed near its maximum allowable speed under all operating conditions. Hayashi et al. thus fail to show or disclose each feature of applicants' independent claims 1 and 12, and thereby fail to support a §102(b) rejection of these claims. Withdrawal of the §102(b) rejection of

claims 1-2, 4, 6, 9, 11-16 and 19-20 as being anticipated by Hayashi et al. is therefore respectfully requested.

Regarding the §102(b) of claims 1-22 as being anticipated by U.S. Patent No. 6,401,457 to Wang et al. ('457), '457 fails to show or disclose every element of applicants independent claims 1 and 12. Since claims 2-11 depend from claim 1, and claims 13-22 depend from claim 12, and thereby add further limitations to applicants' independent claims 1 and 12 respectively, the §102(b) rejection of these dependent claims are unsupported by the '457 reference for at least the same reasons as given below for the independent claims 1 and 12.

The '457 reference discloses a system for estimating turbocharger compressor outlet temperature. While it is true that FIG. 1 of the '457 reference shows a number of engine and air handling system sensors and actuators in common with applicants' claimed invention, as identified by the Examiner, nowhere does the '457 reference show or disclose controlling any one or more such actuators, based on information provided by any one or more such sensors or any other information, in a manner that limits the compressor outlet pressure to the maximum compressor outlet pressure to thereby limit rotational speed of the turbocharger to the maximum turbocharger speed value as required by applicants' independent claims 1 and 12. The Examiner fails to identify anywhere in the '457 specification that discloses this limitation, and appears instead to rely solely upon the hardware components illustrated in FIG. 1 as forming the basis for the §102(b) rejection. FIG. 1 of the '457 reference, by itself, clearly does not show each and every element of applicants' independent claims 1 and 12. By failing to specifically point out where the '457 reference discloses each and every limitation of applicants'

claims, the Examiner has failed to establish a prima facie case of anticipation of applicants claims under 35 U.S.C. §102(b). Applicants submit that the '457 reference does not show or disclose each feature of applicants' independent claims 1 and 12; for example, the limitation described in this paragraph, and thereby fails to support a §102(b) rejection of these claims. For at least these reasons, withdrawal of the §102(b) rejection of claims 1-22 as being anticipated by the '457 reference is therefore respectfully requested.

Regarding the §102(e) of claims 1-2, 4-8 and 11-18 as being anticipated by U.S. Patent No. 6,539,714 to Wang et al. ('714), '714 fails to show or disclose every element of applicants independent claims 1 and 12. Since claims 2, 4-8 and 11 depend from claim 1, and claims 13-18 depend from claim 12, and thereby add further limitations to applicants' independent claims 1 and 12 respectively, the §102(e) rejection of these dependent claims are unsupported by the '714 reference for at least the same reasons as given below for the independent claims 1 and 12.

The '714 reference discloses a system for estimating turbocharger rotational speed. While it is true that FIG. 1 of the '714 reference shows a number of engine and air handling system sensors and actuators in common with applicants' claimed invention, as identified by the Examiner, nowhere does the '714 reference show or disclose controlling any one or more such actuators, based on information provided by any one or more such sensors or any other information, in a manner that limits the compressor outlet pressure to the maximum compressor outlet pressure to thereby limit rotational speed of the turbocharger to the maximum turbocharger speed value as required by applicants' independent claims 1 and 12. The Examiner fails to identify

anywhere in the '714 specification that discloses this limitation, and appears instead to rely solely upon the hardware components illustrated in FIG. 1 as forming the basis for the §102(e) rejection. FIG. 1 of the '714 reference, by itself, clearly does not show each and every element of applicants' independent claims 1 and 12. By failing to specifically point out where the '714 reference discloses each and every limitation of applicants' claims, the Examiner has failed to establish a prima facie case of anticipation of applicants claims under 35 U.S.C. §102(e). Applicants submit that the '714 reference does not show or disclose each feature of applicants' independent claims 1 and 12; for example, the limitation described in this paragraph, and thereby fails to support a §102(e) rejection of these claims. For at least these reasons, withdrawal of the §102(e) rejection of claims 1-2, 4-8 and 11-18 as being anticipated by the '714 reference is therefore respectfully requested.

Regarding the §102(e) of claims 1-8 and 11-18 as being anticipated by Ahmad et al., Ahmad et al. fails to show or disclose every element of applicants independent claims 1 and 12. Since claims 7-8 and 11 depend from claim 1, and claims 13-18 depend from claim 12, and thereby add further limitations to applicants' independent claims 1 and 12 respectively, the §102(e) rejection of these dependent claims are unsupported by Ahmad et al. for at least the same reasons as given below for the independent claims 1 and 12.

Ahmad et al. discloses a system for controlling engine intake pressure by controlling a motor coupled to a turbocharger compressor capable of boosting intake charge pressure and to control a variable geometry actuator capable of adjusting exhaust flow to a turbine. While it is true that FIG. 5 of Ahmad et al. shows a number of

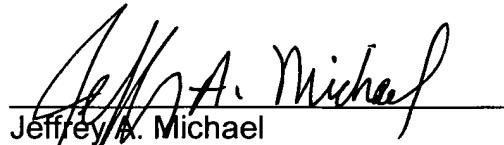
engine and air handling system sensors and actuators in common with applicants' claimed invention, as identified by the Examiner, nowhere does Ahmad et al. show or disclose controlling any one or more such actuators, based on information provided by any one or more such sensors or any other information, in a manner that limits the compressor outlet pressure to the maximum compressor outlet pressure to thereby limit rotational speed of the turbocharger to the maximum turbocharger speed value as required by applicants' independent claims 1 and 12. The Examiner fails to identify anywhere in Ahmad et al. that discloses this limitation, and appears instead to rely solely upon the hardware components illustrated in FIG. 5 as forming the basis for the §102(e) rejection. FIG. 5 of Ahmad et al., by itself, clearly does not show each and every element of applicants' independent claims 1 and 12. By failing to specifically point out where Ahmad et al. discloses each and every limitation of applicants' claims, the Examiner has failed to establish a prima facie case of anticipation of applicants claims under 35 U.S.C. §102(e). Applicants submit that Ahmad et al. do not show or disclose each feature of applicants' independent claims 1 and 12; for example, the limitation described in this paragraph, and thereby fail to support a §102(e) rejection of these claims. For at least these reasons, withdrawal of the §102(e) rejection of claims 1-8 and 11-18 as being anticipated by Ahmad et al. is therefore respectfully requested.

Applicants have herein amended claim 11, and have canceled claims 18, 20 and 22. No new matter has been added by applicants' amendment to claim 11.

Applicants further request a one-month extension of time for responding to the Office Action dated October 5, 2004, thereby extending the response deadline to February 7, 2005. A check in the amount of the fee for this request is enclosed.

All claim rejections have been traversed. Claims 1-22 are believed to be in condition for allowance, and such action is solicited. The Examiner is cordially invited to contact the undersigned by telephone to discuss any unresolved matters.

Respectfully submitted,

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